

**JONDLE & ASSOCIATES P.C.**

9085 East Mineral Circle -- Suite 200  
Centennial, Colorado 80112

Telephone (303) 799-6444

Telefax (303) 799-6898

E-mail [rjondle@jondlelaw.com](mailto:rjondle@jondlelaw.com)

RECEIVED  
CENTRAL FAX CENTER

SEP 22 2003

**FACSIMILE INFORMATION SHEET**

OFFICIAL

DATE: September 17, 2003

**CONFIDENTIALITY NOTICE:** The information contained in this facsimile message and the documents accompanying this facsimile message are attorney privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

**THE FOLLOWING PAGES ARE FOR:**

Name	Examiner David Kruse Group Art Unit 1638
Name of Firm	U S Patent & Trademark Office
Fax No.:	703-872-9306
Transmitting Party:	Robert Jondle JONDLE & ASSOCIATES P.C.

Total Number of Pages Transmitted, including this sheet: 2

If problems with this transmittal, contact:

Theresa at (303) 799-6444

**Re: Serial No. 10/043,198**

**See attached Election of Restriction Requirement.**

RECEIVED  
CENTRAL FAX CENTER

SEP 22 2003

OFFICIAL

IN THE  
UNITED STATES  
PATENT AND TRADEMARK  
OFFICE

Application Number	10/043,198
Filing Date	January 14, 2002
First Named Inventor	Wayne P. Fitzmaurice
Group Art Unit	1638
Examiner Name	D. Kruse
Attorney Docket Number	N1328-004

Title of the Invention: **Interspecific Nicotiana Hybrids and their Progeny**

## CERTIFICATE OF FACSIMILE


I hereby certify that this correspondence is being sent to Examiner David Kruse by facsimile transmission (703) 872-9306 on this 17th day of September, 2003.

  
 Robert J. Jondle  
 Reg. No. 33,915
ELECTION OF RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated August 27, 2003, restricting the invention to one of three groups of claims under 35 U.S.C. §121, Applicant hereby elects Group I for claims 1-10, drawn to an interspecific *Nicotiana* hybrid, classified in class 800, subclass 317.3.

## RESPECTFULLY SUBMITTED,

NAME AND REG. NUMBER	Robert J. Jondle, Reg. No. 33,915				
SIGNATURE				DATE	September 17, 2003
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898